

Village of Shawnee Hills Council Meeting

March 14, 2011

Mayor Monahan called the meeting to order at 7:00 p.m.

Council in attendance: Yvonne Clippinger, Kris Garren, James Gauldin and Mike McVan

Absent: Charlie Callender and Mahesh Dalvi

Also Present: Administrator Ed Swanson, Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

It was moved by Gauldin, seconded by McVan to approve the minutes of February 28, 2011 with the following amendments: on page 6 change the wording to read there was an ice dam on the roof and on page 8, last paragraph change the word then to than. Following vote on the motion was recorded: yea, 3; Garren, Gauldin and McVan. Nay, none. Abstain, one; Clippinger. Chair declared the motion passed by a 4-0 vote.

It was moved by Gauldin, seconded by Garren to amend the agenda by adding the first reading of Resolution 05-2011. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

It was moved by Gauldin, seconded by McVan to approve the agenda as amended. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Solicitor

Brian Zets said he worked with Ed a couple of times on some issues related to a drain pipe on Buckeye Drive. He put together the contracts for the Jim Bowers/Village lot switch/purchase agreement. He said the easiest way to do it was to prepare two contracts, one where he was giving us his lots and one where we were selling him our lots. We tried to make it one big contract but it got very complicated because you are a buyer in one and a seller in another and it got very confusing to be all in one contract, you really couldn't keep track of who was who so we put together the two and gave Mr. Bowers until the end of the month to respond.

Brian said he took a quick look at the special event tax and he could not really find anything called or used as a special event tax. There are examples out there of admission taxes. Cleveland Heights has one and theirs is 3% and the City of Cleveland's is 8%. There are admissions taxes that basically charge a tax on admissions for anything. He said he can get Council copies of these ordinances if they want.

Administrator

Ed said that he did deliver the contracts to Jim Bowers's attorney and he gave the best little sales pitch that he could give and the attorney said he would get back to him. Ed said he met with Edgil Williams from CPS Engineering today and he provided Council with an estimate of cost for the storm water project. A couple of things, at the bottom, the additional funding, if this plays out the way the costs are listed, we are going to need \$2,600.00 out of the General Fund to finish

this project. However, some of this stuff is on the high side of the estimate including the inspection time and the length of time to finish the project. He is hoping that it comes in at a break even number. This is the best we can do for now. Some of this we are just speculating on how much time is involved from here to the end. He said the contingency funds are a verbal commitment from the funding agency, it's not in writing yet but he has been assured that this should happen and Edgil is right now preparing paperwork for the funding agency explaining the additional cost and they can send approval back to us in written form.

Ed said he presented Jeff Cosby, Dublin School Bus Superintendent, with pictures of the damage that the buses are causing on Buckeye Drive. Jeff said he will tell the drivers to stay on the blacktop. Mayor Monahan said there are about 7 parallel trenches where they have pulled off the curb and gotten in the mud where they had been staging the busses.

Ed said he met with the managers at CVS and Walgreen's regarding the defibrillator request and Walgreen's has declined. They said they will not contribute at this time and CVS has not made a decision yet.

Ed said he, Yvonne and Shirley went to a TIRC meeting last Wednesday in Delaware and we were approved for another year. He said he and Yvonne attended a meeting in regards to the proposed Hotel at the Columbus Zoo and its economic impact on the surrounding areas and they did mention us in the meeting.

He said that Saturday the pump station alarm went off and he met John Kincaid there. John said the electric pumps were not keeping up, they were kind of working against each other. John said there is infiltration of rain water into the sanitary sewer so he kicked on the gas pump and it caught it up and in the meantime he adjusted the electric pumps and John is going to come back and change the gear ratios in the pumps so that they will run faster so we will not have this problem again. The good news is that the alarm systems did work.

Jim Gauldin called him Saturday about flooding on Glick Road and since Mark was picking up the tractor that day Ed had Mark take the tractor over and he dug along the berm area to get the berm lower than the road and the water started draining away.

Ed said he started looking at the roads and they are the worst he has ever seen them.

Communications

Mayor Monahan gave the following report:

On Friday I received a Legislative Update. The below was part of this:

LOCAL GOVERNMENT PARTNERS CREATE WEBSITE

In partnership with the County Commissioners Association of Ohio, Ohio Township Association, Ohio Association of Regional Councils, and the Ohio Parks and Recreation Association, we have developed a website that will serve as a clearinghouse of information on proposed cuts we anticipate to the Local Government Fund. The website address is

www.everyohioan.com and we encourage you to keep checking it for the latest news and updates as it relates to the LGF.

On 3-7 Shirley, Ed, Joyce Armstrong and I met with Steven Holden of a company called *nCourt* they offer a cost free service to municipalities for online payment of citations and utilities. The cost is the responsibility of the user.

As an example:

- If you received a traffic citation for \$100. If you chose to pay through the website *nCourt* puts up for us there would be a 7% fee assessed to the user.
- If you choose to pay your sewer bill and it was \$60.00 you would be assessed a \$3.50 charge. We have been asked to have online payable billing.

If there is any trouble with the credit card that is up to *nCourt* to collect. We receive our payment weekly either deposited in our account or we would be sent a check with an accounting of what was paid and by whom.

Currently they are being utilized by 850 sites throughout 23 states.

There is no contract and it is an option that can be utilized if chosen by the end user.

This appears to be a no brainer way to offer alternative payment methods.

Mayor's Report

Mayor Monahan gave the following report:

Results from the 2010 Census:

Shawnee Hills = 681 population, 295 houses, 268 occupied 27 vacant.

I did receive the documentation that Dublin is proceeding with the purchase of the land to build the water tower by June 2011 for Two-Hundred Fifty-Five Thousand Six Hundred Forty Dollars (\$255,640.),

I had a conversation with Mahesh and he brought up the concern about Dublin passing a Texting and driving ban and the potential impacts when someone leaving Dublin and driving Shawnee Hills may feel free to text while driving through our Village.

I have forwarded this concern to the Safety Committee and asked them to consider sponsoring legislation on a no texting while driving ban.

Great find Mahesh!

On Friday I received this update on the Legislative Report:

TRANSPORTATION BUDGET PASSES HOUSE

HB114, the Transportation budget bill was unanimously approved by the Ohio House Thursday afternoon. Initially as we reported to you in previous Legislative Bulletins, funding had not been included for Issue2, the state capital improvement program administered through the Ohio Public Works Commission nor was there an appropriation for the LTIP revolving loan program. We are

relieved to report that through the work done by Rep. Ross McGregor, Chairman of the House Finance Transportation subcommittee, and the full House Finance and Appropriations committee, the funding levels were restored and the important capital projects slated for this year will be able to move forward. The bill will now move on to the Senate for their consideration of the bill.

Mayor's Court Report

Feb, 2011

\$4,832.00	Balance Brought forward
Deposits:	
4,795.00	Traffic Receipts
32.00	Overpayment – Layman - # 02010CRA00024
4,827.00	Total Receipts
Disbursements:	
468.50	Treasurer Of State
306.00	Computer Fund
4,020.50	General Fund
32.00	Returned to Petty Cash Fund # 2010CRA00024
4,827.00	Total Disbursements
4,832.00	Balance Forward
4,827.50	Disbursements
5.00	Balance in Checking
32.00	Back to Petty Cash
37.00	Balance Maintained In Checking

Respectfully Submitted

Joyce A. Armstrong

Mayor's Court Clerk

I received emails from 2 residents asking if the composition of the road salt we have been using this year was different. They had noticed pocking of their concrete driveways.

I asked Ed and Mark to check and there is no difference just more used this year because of the weather.

I did ask that we check with a concrete Contractor to see what could be done by the individual residents to protect their concrete driveways.

Mark K contacted Mike Smith of Architectural Concrete Inc. and Mike stated the solution is to pressure wash the concrete and then apply a penetrating sealer. He explained that the cost is usually about \$1.00 a square ft.

I am not trying to promote one contractor over another but would ask that we come up with another contractor or 2 who could do this work and see if there could be a discount if multiple residents contracted to do this.

Once we have this we can put out a notice in our Newsletter.

I know that our concrete driveway is showing the impacts of salt over the years and we don't use salt on the driveway or sidewalk.

We met with Frank Harmon of the Ohio Insurance Services Agency Inc. and have in front of you emergency legislation (since it has to be completed by April 1st) to renew. We did take steps to keep the costs down by raising the deductible to \$1,000.

I would ask if either of our covered employees experience a need to pay this deductible that Council would consider helping defray the increase.

The Police completed the background investigation on a new A unit candidate.

I interviewed Cody Moore on 3-4 and with the recommendation of the Chief, Sgts. Venrick and Ekleberry swore in Officer Moore.

Notifications from Code Enforcement have gone out to a few businesses concerning, overnight storage of cars, dumpster screening and temporary signage.

I would ask the Services Committee with Ed and Mark's help to research the idea of offering sidewalk benches to enhance our sidewalks. The idea would be to go to possibly Dan Fortin of Fortin Iron and determine the costs associated with the building of a metal bench. The bench could contain a business advertisement = *Furnished as a courtesy of the Shawnee Hills XYZ*. Or much like the Zoo a resident could choose to sponsor a sidewalk bench in honor of their late parents.

The concept is that the selected bench design would be consistent, low maintenance and all costs included in the sponsorship costs. With those figures in hand we can offer it in our Newsletter and on our website and I can take the proposal to the Chamber Board.

Has Services picked a chipper day? If not please do and if since we are getting into April we have our Spring Dumpster and Chipper Days.

I would also ask Council to consider putting in 4 Street lamp posts and the respective street signage this year.

We discussed this in the Finance Committee meeting; I would ask that Brian furnish us Impact Fee language that would be appropriate for Planning and Zoning to consider sponsoring legislation to come before Council.

We looked at this in 2004 and the research at that time was too costly. Impact fees are assessed on any new build. The fee helps cover the cost of providing services (police, roads, etc.) to a new residence or building. Property taxes on new structures aren't realized for approximately 20 to 24 months. At that point we receive less than 15% since the majority go to the schools.

The TIF meeting was held this past week with Delaware County and thanks to Yvonne, Ed and Shirley for participating.

Email I received from Bill VanCura on 3-13-11

Pat,

I'm hoping to get a Business Advisory Meeting set for March 30th or April 4th. (4/4/11 probably looks better at this end.)

It would be great if Jim G. could attend and give us an update of the signing ordinance.

If this is possible let me know how to proceed; should I contact Jim or will you?

Let me know your thoughts when you get time.

Thanks,

Bill Van Cura

614-208-9998

I would suggest 4-4. Jim would you be available to discuss this with the Business Advisory Committee?

Pro Tem Report

Pro Tem Gauldin said he received a letter from the Delaware County Commissioners and he thinks this is similar to what we have heard before and this has to do with the Community Development Block Grant Program. They talk about the funding that is available and what it can go for, street improvements, water, sanitary etc., ADA assessable projects and he believes this is the same thing that either we have to be low to moderate income or it's basically all ADA. He said he was going to go ahead and double check that to see if anything has changed for 2011. Mayor Monahan said he received the same thing and he gave it to Ed to check with them. Mayor Monahan said he had an idea on that and he said that little section between Mohican and Logan where we were going to put the sidewalk in, maybe those areas in Concord Township can fit the CDBG requirements and we can get that portion of the sidewalk paid for in Concord and it makes our life a lot easier to finish our sidewalk project.

Committee Reports

Council member Garren said that Safety met and discussed the possibility of looking at lowering the speed limit to 25 on Dublin Road and it was determined that in order to be able to do that we would need a full certified study and we would need to prove that 80% of the traffic was in excess of the speed limit and we really did not think that the study would be able to prove that that was the case so unfortunately it does not look like that's a path that is viable for Shawnee Hills. We did consider that we might want to put the reflective paint out where the crosswalk is and there was talk of the hash marks that go across, that maybe that might be a good idea as well. She said they also talked about the Buckeye Drive, the proposed ordinance that the Mayor was talking about on Buckeye Drive and we had some discussion around that and we still want to have some additional discussion around that and Jim Gauldin wanted to drive down Buckeye Drive and take a look at that so we will put that on the agenda again.

Council member Clippinger said that finance met and they talked about the health care and we are going to stay with Medical Mutual and we will be upping the deductible to \$2,000.00 from \$1,000.00 and currently we are paying \$829.71 per month for employee health care and this will

put us at \$822.81 per month.

She said that Council needs to approve a new Board of Review for the Village. The Board will consist of a Chairman and two other individuals to be appointed by Council with a recommendation from Finance Committee. This is in accordance with our Code 181.12a and b : All rules and regulations which are adopted by the tax administrator must be approved by the Board of Review before the same becomes effective. The Board shall hear and pass on appeals from any ruling or decision of the tax administrator or its delegate and at the request of the tax payer or municipality is empowered to substitute alternate methods of apportionment. Finance recommended that the Board be comprised of the Fiscal Officer, the Chair of Finance and one member of the Finance committee. It was moved by Clippinger, seconded by Gauldin to appoint Roskoski, Clippinger and Gauldin to the Board of Review. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Council member Clippinger said they talked about the Credit Card company that the Mayor previously mentioned and since there is no cost to the Village that is a no brainer.

She said they also discussed the right of way ordinance and we are recommending that Brian take a look at our current ordinance. We need to update our fee schedule and language.

She said the Zoo hotel meeting that she and Ed attended was basically folks from the Zoo and the person that was hired to do the economic impact study. They looked at what kind of impact that was going to have on this area and in a nutshell it is all good but Jerry Borin did tell her that when they did this study it was before the economy tanked so right now they do not know where they are going to get the money for it but when it does happen it is going to be a good thing for our area.

She said the Comprehensive Plan Review Committee met on March 9th to review the Village's comprehensive plan and they are going to meet tomorrow evening with Scott Sanders who is the Executive Director of the Delaware County Regional Planning Commission to start the process on updating the Village's plan. She said they went through the plan chapter by chapter and basically each chapter needs to be updated somewhat. All the maps need to be updated and all the census information will be updated and if we do a survey that will be included. She will have more to report on this after we meet with Scott.

Legislative Actions

Third Reading- Ordinance 01-2011 – Sponsored by Planning and Zoning- An Ordinance to amend Section 1129.07 of the Codified Ordinances of the Village of Shawnee Hills, Ohio Fess for Zoning Applications and Permits. Mayor Monahan said this is the one that will double the fees if you start work without getting a permit. It was moved by Clippinger, seconded by Gauldin to pass Ordinance 01-2011. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared Ordinance 01-2011 passed by a 4-0 vote.

Third Reading- Ordinance 03-2011 – Sponsored by Planning and Zoning- An Ordinance to amend Section 147.03 of the Codified Ordinances of the Village of Shawnee Hills, Plan Review

and Approval. Mayor Monahan said this is basically the non-conforming residential owners not to have to go before the ABR for any kind of change. It was moved by Garren, seconded by McVan to pass Ordinance 03-2011. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared Ordinance 03-2011 passed by a 4-0 vote.

Second Reading- Resolution 03-2011 – Sponsored by Village Administrator – A Resolution to increase the rate of pay for Mark Katzenbach, Code Enforcement Officer, Snow Plower and Maintenance for the Village of Shawnee Hills, Ohio. Mayor Monahan said this is a 2% increase.

First Reading- Ordinance 06-2011 – An Ordinance to grant variances to the provisions of the Shawnee Hills Code Section 509.09 to allow applicant, Bogey Inn to deviate from time and volume standards for the Memorial Tournament Events. Mayor Monahan asked if this was down to 85db. Shirley said no she left it as requested at 110. Mayor Monahan said he thinks this has always been amended down to 85 and he believes that 110 is absurd and 85 has been passed previously so he asked Council if this was something they wanted to amend. Council member Clippinger said yes, the last Council did a lot of research on this and 85 is what we came up with and it worked well and she does not think there were a lot of complaints. It was moved by Clippinger, seconded by Gauldin to amend Section 1 of this Ordinance to read 85 decibels instead of 110. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

First Reading- Ordinance 07-2011 – An Ordinance to amend Section 1133.01 of the Codified Ordinances of the Village of Shawnee Hills, Proceedings of the Board of Zoning Appeals. Mayor Monahan said this is adding where they would elect a chair each year.

First Reading- Resolution 04-2011 – A Resolution to renew the health care insurance for the full time employees of the Village of Shawnee Hills, Ohio. It was moved by Clippinger, seconded by Garren to amend Section 1 of this Ordinance by changing the wording to read: That the HealthCare Insurance be renewed with the increase from \$1,000/\$3,000 major medical deduction to \$2,000/\$6,000. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

First Reading – Resolution 05-2011 – A Resolution in the matter of accepting the report of the Village of Shawnee Hills Tax Incentive Review Council (TIRC) on the status of the Tax Increment Financing (TIF) area program for program year 2010 and to accept the recommendations of the TIRC. Brian asked if this was supposed to be an emergency as it is not listed in the heading but Section 3 refers to it as an emergency. Shirley said that Dottie has asked that this be passed as soon as possible. It was moved by Gauldin, seconded by Clippinger that Resolution 05-2011 be amended to be an emergency. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Bills

It was moved by Garren, seconded by Gauldin to approve the bills in the amount of \$18,317.38. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Treasurer's Report

It was moved by Gauldin, seconded by McVan to approve the following treasurer's report: General Fund 155,809.77, Street Fund 69,540.93, State Highway Fund 4,524.55, Enforcement and Education Fund 2,060.00, Mayor's Court Computer Fund 8,025.67, Weed Fund 11,481.40, TIF Fund 14,761.09, Veteran's Memorial Fund 525.94, Building Expansion Fund 700.00, Capital Projects Fund 108,916.00, Sewer Operating Fund 50,816.25, Storm Sewer Fund 10,859.30, Enterprise Debt Service Fund 33,023.91, Enterprise Debt Service Reserve Fund 97,604.48 for a total of \$739,863.04. Council member Garren asked what is the Mayor's Court Computer Fund? Shirley said that we get \$10.00 from each court case and these funds can only be used to computerize the Mayor's Court Clerk's office. This can be used for air conditioning, heating, computers, printers, etc. Mayor Monahan said we are planning on using this money for a new office for the Clerk in the new building. Mayor Monahan asked if we could use this money as a rental for the portion of the cost of using the office. Brian said he thinks something could be set up. Council member Gauldin asked if Shirley could show what was expected in the property tax and what we collected. Shirley said she could. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Miscellaneous Business

Shirley said that Virginia Farneman has asked for a refund of a \$2,000.00 deposit she made in 1998 for the construction of the road into 9346 Dublin Road, currently Hella's. She said this was supposed to be a deposit and she was supposed to get the funds returned to her. Shirley said she found where the deposit was made and the funds have never been returned to Virginia but she is not sure if this was a refundable deposit or not so she is asking for Council's opinion on this. Council member Gauldin asked if we had records from anyone else that built around that same time. Ed said he was building at the time but he does not remember the deposit fee. He said we should probably look to see who built around that time before we make a decision on this.

Council member Garren said she drove by Jimmy V's and they had the sign out that had the new logo on it and she thought it looked really nice. She said it would be nice if we could get some new letterhead.

She said she also wanted to comment on the admissions tax, she said she can understand it if you have a huge sports facility or something like that but we have some pretty small businesses here in Shawnee Hills and she is not in favor of putting an admissions or events tax on those small businesses in Shawnee Hills. Mayor Monahan said the idea behind this is if you were having something like the Dam Jam and everybody was participating, somewhere along the line this does cost us money. It costs us in police coverage, it costs us in other things and the idea was to help offset some of the cost. Mayor Monahan said the word admissions was first used tonight, he never used the word admissions, it was an event tax and the idea was if you took in \$1,000.00 then you owed us 1% of that, that was the idea and he thinks some things are a matter of research

and is it the right way to go. He said the sad part is that everywhere you go you are paying 6.75 % to Delaware County only to turn around and we get nothing back. Council member Garren said she would be curious to see what the cost assessment is and what it costs the Village to put something like the Dam Jam on. Mayor Monahan said the tournament hurts the businesses in the Village they do not get the traffic.

There being no further business, it was moved by Gauldin, seconded by Garren to adjourn until March 28, 2011. Following vote on the motion was recorded: yea, 4; Clippinger, Garren, Gauldin and McVan. Nay, none. Chair declared the meeting adjourned at 8:10 p.m.

Fiscal Officer

Mayor